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FILED
Clerk
District Court

MAR 28 2008

For The Northern Mariana Islands
By _____
(Deputy Clerk)

Attorney for: Defendant ROME
RESEARCH CORPORATION

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

RYANJAY T. DELA CRUZ	)	CV NO. <u>CV 08 - 0020</u>
)	
Plaintiff,	)	DEFENDANT ROME RESEARCH
	)	CORPORATION'S NOTICE OF
vs.	)	REMOVAL; DECLARATION OF
	)	VICENTE T. SALAS; EXHIBITS A-B;
ROME RESEARCH CORPORATION,	)	CERTIFICATE OF SERVICE
)	
Defendant.)	
_____)	

DEFENDANT ROME RESEARCH CORPORATION'S
NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
MARIANA ISLANDS:

PLEASE TAKE NOTICE that, pursuant to the provisions of 28 U.S.C. §§ 1332, 1441 and 1446, Defendant Rome Research Corporation ("RRC"), hereby removes Civil No. 07-0508 (T) in the Superior Court for the Commonwealth of the Northern Mariana Islands, to the United States District Court for the Northern Mariana Islands. The grounds for removal are:

1. The instant action commenced in the Superior Court for the Commonwealth of the Northern Mariana Islands, is identified as *Ryanjay T. Dela Cruz v. Rome Research Corporation*, Civil Action No. 07-0508 (T) (the "Superior Court Case"). A true and correct copy

ORIGINAL

of the Complaint is attached hereto as Exhibit "A". Defendant is not aware of any other process, pleading or order having been filed in this case.

2. Defendant RRC was served with the Complaint on March 1, 2008.

3. The Complaint alleges that Plaintiff is a resident of Tinian, Commonwealth of the Northern Mariana Islands. Ex. A, ¶ 2.

4. The Complaint incorrectly alleges that Defendant RRC is a domestic corporation existing under the laws of the Commonwealth of the Northern Mariana Islands, with its principal place of business located in Tinian, Commonwealth of the Northern Mariana Islands. Ex. A, ¶ 3.

5. In fact, Defendant RRC is incorporated and headquartered in the State of New York. *See* Exhibit B, Entity Information from the New York State Department of State, Division of Corporations. Accordingly, Defendant RRC is not a citizen of the Commonwealth of the Northern Mariana Islands.

6. The matter in controversy in this lawsuit exceeds the jurisdictional threshold set forth in 28 U.S.C. § 1332(a), as Plaintiff seeks damages of which the sum or value exceeds \$75,000.

7. No further proceedings have been had, and thirty days have not elapsed since this action became removable to this Court.

8. Defendant has the right to remove the Superior Court Case to this Court pursuant to 28 U.S.C. §§ 1332 and 1441 because there is diversity of citizenship between the parties.

9. Pursuant to 28 U.S.C. § 1446(d), Defendant will provide counsel for Plaintiff with written notice of the filing of this Notice of Removal, and will file a copy of the Notice of Removal with the Clerk of the Superior Court for the Commonwealth of the Northern Mariana

Islands.

10. Defendant files this Notice in good faith and affirmatively states that it is not designed to unduly delay or harass plaintiff.

WHEREFORE, Defendant respectfully requests that this action be duly removed from the Superior Court for the Commonwealth of the Northern Mariana Islands, to the United States District Court for the Northern Mariana Islands and that the action proceed herein.

Dated this 28th day of March, 2008.

Respectfully Submitted By:

LAW OFFICE OF VICENTE T. SALAS

A handwritten signature in black ink, appearing to read "Vicente Salas", is written over a horizontal line.

VICENTE T. SALAS,
Attorney for Defendant,
Rome Research Corporation

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

RYANJAY T. DELA CRUZ	)	CV NO. _____
)	
Plaintiff,)	
)	
vs.	)	DECLARATION OF
	)	VICENTE T. SALAS
ROME RESEARCH CORPORATION,)	
)	
Defendant.)	
_____)	

DECLARATION OF VICENTE T. SALAS

VICENTE T. SALAS declares the following:

1. I am the sole proprietor of The Law Offices of Vicente T. Salas, am licensed to practice law in the Commonwealth of Northern Mariana Islands, and have been admitted to practice law before this Court. I am one of the attorneys representing Defendant Rome Research Corporation (“Defendant”) in this action.
2. Exhibit “A” attached hereto is a true and correct copy of the Complaint and Summons filed December 24, 2007 in the Superior Court for the Commonwealth of the Northern Mariana Islands in *Ryanjay T. Dela Cruz v. Rome Research Corporation*, Civil Action No. 07-0808 (T), and constitutes all the process, pleadings and orders that were served upon Defendant in this action.
3. Exhibit “B” attached hereto is a true and correct copy of the current business status and information for “Rome Research Corporation” obtained from the New York State Department of State, Division of Corporation website on March 26, 2008.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Dated this 28th day of March, 2008.



VICENTE T. SALAS

JOEY P. SAN NICOLAS, ESQ.
ATTORNEY AT LAW
San Nicolas Annex, Broadway Estates
P.O. Box 571
Tinian, MP 96952
Tel. No.: 670.433.5776
Fax: 670.433.5776
Email: snlaw@pticom.com

Attorney for Plaintiff



E-FILED
CNMI SUPERIOR COURT
E-filed: Dec 21 2007 4:46PM
Clerk Review: Dec 24 2007 8:20AM
Filing ID: 17756983
Case Number: 07-0508-CV
Dora Decena

**IN THE SUPERIOR COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

RYANJAY T. DELA CRUZ

Plaintiff,

vs.

ROME RESEARCH CORPORATION,

Defendant.

Civil Action No. 07-0508(17)

SUMMONS

TO: ROME RESEARCH CORPORATION:

YOU ARE HEREBY SUMMONED and notified to file any answer you wish to make to the Complaint, which is served herewith, within twenty (20) days after service of this Summons upon you and to deliver or mail a copy of your answer to Plaintiff's attorney, Joey P. San Nicolas, Esq., whose address is:

San Nicolas Annex, Broadway Estates
P.O. Box 571
Tinian, MP 96952

as soon as practicable after filing.

Your answer should be in writing and filed with the Clerk of the Superior Court, Commonwealth of the Northern Mariana Islands. It may be prepared and signed for you by your

EXHIBIT "A"

attorney and sent to the Clerk of the Superior Court by messenger or mail. It is not necessary for you to appear personally until further notice.

If you fail to file an answer in accordance with this Summons, judgment by default will be taken against you for the relief demanded in the Complaint.

By order of this Court, dated this 24th day of December, 2007.

BERNADITA A. SABLON
Clerk of Court

By: _____

Clerk of Court



1 JOEY P. SAN NICOLAS, Esq.
2 San Nicolas Annex, Broadway Estates
3 P.O. Box 571
4 Tinian, MP 96952
5 Commonwealth of the Northern Mariana Islands
6 Tel. Fax: (670) 433-5776
7 Email: snlaw@pticom.com

8 Attorney for Plaintiff

9 IN THE SUPERIOR COURT
10 OF THE
11 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

12 RYANJAY T. DELA CRUZ,
13 Plaintiff,

14 vs.

15 ROME RESEARCH CORPORATION,
16 Defendant.

CIVIL ACTION NO. _____

COMPLAINT AND DEMAND FOR
JURY TRIAL

17 Plaintiff Ryanjay T. Dela Cruz alleges as follows:

18 JURISDICTION AND PARTIES

- 19 1. This court has jurisdiction over this civil action pursuant to 1 CMC § 3202.
- 20 2. Plaintiff is a U.S. citizen residing in Tinian, Commonwealth of the Northern Mariana Islands.
- 21 3. Plaintiff is informed and believes, and based on such information and belief herein alleges that
22 Defendant is a domestic corporation existing under the laws of the Commonwealth of the
23 Northern Mariana Islands, with its principal place of business located in Tinian, Commonwealth
24 of the Northern Mariana Islands.
4. Defendant is also an independent contractor for the International Broadcasting Bureau located
in Tinian, Commonwealth of the Northern Mariana Islands.

FACTS

- 1 5. Plaintiff was hired by Defendant to work as a Technician on June 29, 2004. He was employed
2 pursuant to a an employment contract executed between himself and Defendant.
- 3 6. On or about August 30, 3005, Plaintiff was arrested by the Department of Public Safety for
4 allegations of sexual assault on fellow technician, Ms. Grace Arizapa. Plaintiff was
5 subsequently found not guilty of the allegations of sexual assault by a jury of his peers.
- 6 7. In September, 2005 Defendant conducted an "investigation" on the matter without allowing
7 Plaintiff an opportunity to defend himself. Defendant failed to give Plaintiff an opportunity
8 to present a defense to the allegations.
- 9 8. In October, 2005, Plaintiff was informed that he was suspended indefinitely from his employ
10 at Rome Research.
- 11 9. On or about December 21, 2005, Plaintiff received notice that he was terminated from his
12 employ at Rome Research for allegedly committing workplace harassment.

13
14 **FIRST CAUSE OF ACTION**

15 **(Breach of Contract)**

- 16 10. Plaintiff hereby re-alleges and incorporates by this reference, as if fully set forth under this
17 cause of action, all the allegations contained in this Complaint.
- 18 11. Plaintiff was employed under a valid contract supported by bargained for consideration. Said
19 contract included conditions and a manual which contained the policies of the corporation.
- 20 12. Plaintiff has performed all the conditions and agreements required of Plaintiff under the
21 terms of the Employment Contract.
- 22 13. Defendant had a duty to act with reasonable care and diligence in performing the
23 Employment Contract, and other acts as set forth herein, so as not to injure a person or
24 property by its performance.
14. Defendant breached the Employee Contract with Plaintiff in the following respect: Defendant
did not fully investigate the facts of Plaintiff's alleged misconduct prior to his termination, in

1 violation of Policy Number 419 section 16.0.as Plaintiff was not given an opportunity to
2 present his side of the story.

3 12. Notwithstanding demand and/or notice to cure the violation, Defendant has failed, neglected,
4 and refused, and still fails, neglects, and refuses to cure the violations and default.

5 13. As a direct and proximate result of Defendant's conduct detailed above and in other respects,
6 Plaintiff has suffered damages, including, but not limited to mental anguish, loss of income,
7 liquidated damages, costs, and reasonable attorney's fees, in an amount to be proven at trial.

8 14. Wherefore, Plaintiff prays for relief as forth herein.

9 **SECOND CAUSE OF ACTION**

10 **(Negligent Infliction of Emotional Distress)**

11 15. Plaintiff hereby re-alleges and incorporates by this reference, as if fully set forth under this
12 cause of action, all the allegations contained in this Complaint.

13 16. From about October, 2005 Defendant knew or should have known that they had a
14 responsibility to fully investigate the charges against Plaintiff, and that Defendant's
15 subsequent improper termination of Plaintiff's employment would cause Plaintiff severe
16 emotional distress, including but not limited to shame, humiliation, fear, anger, worry, and
17 has been damaged in an amount to be proven at trial.

18 17. Because Defendant's reckless disregard and indifference of the rights of Plaintiff, Defendant
19 is liable for punitive damages, in an amount to be proven at trial.

20 18. Wherefore, Plaintiff prays for the relief as set for herein.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- 23 a. For contract damages of Defendant's breach of Employment Contract;;
24 b. For an additional equal amount as liquidated damages pursuant to law;
c. Punitive damages, in an amount appropriate to punish Defendant and set an example to
others, to be proven at trial;

- 1 d. Prejudgment interest on amounts owed
- 2 e. Post-judgment interest;
- 3 f. For reasonable attorney's fees and costs;
- 4 g. For such other and further relief to which Plaintiff is entitled under law or equity as the Court
- 5 deems just and proper.

6 DEMAND FOR JURY TRIAL

7 Plaintiff hereby demands a trial by jury of all issues triable of right by jury.

8 Respectfully submitted this ____ day of December, 2007.

9
10 LAW OFFICES OF JOEY P. SAN NICOLAS

11 
12 Joey P. San Nicolas, Esq. (F-0342)
13 Attorney for Plaintiff
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NYS Department of State

Division of Corporations

Entity Information

Selected Entity Name: ROME RESEARCH CORPORATION

Selected Entity Status Information

Current Entity Name: ROME RESEARCH CORPORATION

Initial DOS Filing Date: AUGUST 02, 1974

County: ONEIDA

Jurisdiction: NEW YORK

Entity Type: DOMESTIC BUSINESS CORPORATION

Current Entity Status: ACTIVE

EXHIBIT "B"

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

VIOLA MURDOCK
8383 SENECA TPKE
NEW HARTFORD, NEW YORK, 13413-4991

Chairman or Chief Executive Officer

ALBERT LANE JR
314 JAY STREET
ROME, NEW YORK, 13440-5600

Principal Executive Office

ALBERT LANE, JR
314 S JAY STREET
ROME, NEW YORK, 13440-5600

Registered Agent

NONE

NOTE: New York State does not issue organizational identification numbers.

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

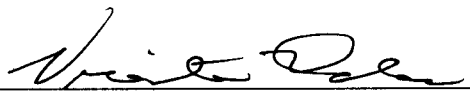
RYANJAY T. DELA CRUZ)	CV NO. _____
)	
Plaintiff,)	
)	
vs.	)	CERTIFICATE OF SERVICE
)	
ROME RESEARCH CORPORATION,)	
)	
Defendant.)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that on the date noted below, a copy of Defendant Rome Research Corporation's Notice of Removal and Declaration of Vicente T. Salas and the accompanying exhibits attached thereto were duly served on the following:

<input type="checkbox"/>	Personal delivery	Joey P. San Nicolas, Esq.
<input checked="" type="checkbox"/>	U.S. Postal Service	San Nicolas Annex
		Broadway Estates
		P.O. Box 571
		Tinian, MP 96952-0571

Dated this 28th day of March, 2008.



VICENTE T. SALAS
Attorney for Defendant,
Rome Research Corporation